



**Montana Senate Local Government Committee
RE: Support for HB 486 (2009)**

**Greg Sullivan
Gallatin County Planning Director**

March 11, 2009

Mr. Chairman and Members of the Committee:

The Gallatin County Board of County Commissioners urges you to pass HB 486.

The Gallatin County Commission believes this bill speaks to two critical concerns regarding how the County addresses growth and change and facilitates economic development.

- 1. The bill provides a much needed clean up to numerous administrative provisions of Montana's land use laws; and**
- 2. The bill continues to advance the Montana proposition that local governments, within certain limits proscribed by the Legislature, are undeniably in the best position to determine how to develop land use tools to address their own unique planning challenges.**

This bill will allow Gallatin County to create zoning districts and regulations that addresses the concerns citizens and landowners care about rather than a laundry list of archaic statutory requirements. For example:

- The Gallatin County Commission has been exploring development of a rural zoning district that seeks to primarily addresses density only – the Commission is not interested**

in addressing uses, setbacks, heights, etc... in this process but rather encourages and supports grass roots neighborhood planning and zoning efforts to addresses uses. The manner and extent that the County, with the input of citizens and landowners, addresses public health, safety, and general welfare should be left to the County and its citizens.

- In addition, the Gallatin County Commission could choose, on general welfare grounds, to only address **sexually oriented businesses or billboards** in certain areas. This legislation would allow them to do so without having to address the laundry list of archaic statutory requirements.
- Finally, Gallatin County has been working diligently to resolve a long-running conflict regarding **gravel pits**. The only tool the County has to implement solutions to this conflict is zoning. A County should be able to implement creative solutions to gravel pits through zoning without having to address the laundry list of archaic statutory requirements.

Please note the County Commission supports a reduction in the time frame for challenging the creation of a zoning district from five years but would **support an amendment that would raise the time frame above the 60 days listed in the bill**. The County Commission understands that upon adoption of a zoning district many families make significant decisions regarding the future of their properties and these decisions have long term financial impacts. Waiting for five years (and possibly eight if the legal challenge is not served right away) creates an enormous amount of economic uncertainty for landowners. Yet the Commission also realizes 60 days is a very short time frame for mounting a legal challenge especially for landowners who are not familiar with legal processes or lack the resources to hire an attorney to represent their interests. Thus, the County Commission supports the reduction but suggests a slightly longer time period for challenging the creation of a district of no longer than six months This proposal in no way reduces the County Commission's support of passage of the bill.

As for advancing the proposition that local governments, within certain limits proscribed by you, are undeniably in the best position to determine how to produce land use tools to address our unique planning challenges, the Gallatin County Commission fully supports the adoption of amendments to Sections 8 and 9 of this bill.